

No. 9(1)81-8Lab/4965.— In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Anand Synthetic Ltd., Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 422 of 1978

Between

THE WORKMEN AND THE MANAGEMENT M/S ANAND SYNTHETIC LTD. MATHURA
ROAD, FARIDABAD.

Present :— Shri S.R. Gupta for the workmen.
Shri O.P. Tyagi for the management.

AWARD

By order No. ID/FD/5-78/41717, dated 14th September, 1978 the Governor of Haryana referred the following disputes between the management of M/s. Anand Synthetic Ltd., Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

- (1) Whether the grades and scales of pay of the workmen should be framed ? If so, with what details ?
- (2) What should be the minimum wages of un-skilled, semi-skilled and highly skilled categories of the workmen and the manner in which these should be linked with Consumer Price Index Numbers ?
- (3) Whether the clerical staff is entitled for more pay than semi-skilled ? If so, with what details ?
- (4) Whether senior or workmen are entitled for more pay than the junior workmen ? If so, at what rate ?
- (5) Whether the workmen are entitled to the grant of interim relief ? If so, with what details ?
- (6) Whether the workmen are entitled to the grant of house rent allowance ? If so, with what details ?
- (7) Whether the workmen are entitled to the grant of bonus for the year 1976-77 ? If so, with what details ?
- (8) Whether the workmen should be supplied with uniforms ? If so, with what details ?
- (9) Whether the workmen should be supplied with milk, gur, shoes and gloves ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 9th March, 1979 as follows :—

- (1) Whether the dispute has been properly espoused ?
- (2) Whether Shri Panna Lal has locus standi in the matter ?
- (3) Whether the Government has not apply its mind for making this reference ?

Issues No. 4 to 12 were put as per terms of reference order. Issues No. 1 to 3 were treated as preliminary and the case was fixed for the evidence of the workmen, who examined Shri Lalse Yadav as WW-1 Shri Ram Dular Chaudhary as WW-2 and closed their case. Then the case was fixed for the evidence of the management who examined Shri T.N. Tripathi Personnel Assistant as MW-1 and closed their case. Arguments were heard. I now give my finding as follows :—

Issue No. 1 :—WW-1 stated in 1979 there were about 300,350 workers in this factory. At that time there was a CITU union in the factory of which he was a member. In 1978 they formed a separate union and got it registered. Demand notice Exhibit W-1 was given after it was passed in a meeting. All the workmen has signed form "F" which was presented to the Conciliation Officer. At the time of Exhibit W-2 Shri Harinder Singh was President of the union and it was signed by him. A present their union was affiliated to NLO. He got signatures of workers on Exhibit W-3. In cross-examination he stated that he did not know as to what was written in form

F. He had knowledge about the union. Demand notice was given through CITU union. And that union has been authorised to sign claim statement. The record of membership and subscription etc. was with the union. He could not tell about the constitution of the union because he did not read it. They had held a meeting after which there was a strike for one month. Then they formed N.L.O. union. The proceedings of the meeting was written and the record was with them which could be produced. He did not know about the date of the meeting which may be 29th September, 1978 or 29th September, 1977. He was Cashier of the CITU union and the present union. He further said, WW-2 stated that he was working in the factory for the last 8 years. At the time of demand notice Exhibit W-1 there was CITU union. All the workers supported the demands. CITU union was disowned by the workmen and they formed another union. All the workers were behind the demands. In cross examination he stated that he did not know the name of CITU union. A meeting of all the workmen was held in which demands were resolved. The date of meeting was 20th September, 1977. The meeting was called by Shri Mohan Lal. Shri Mohan Lal was General Secretary of that union, whereas he is the General Secretary of the new union for the last three months. He had not seen the constitution of the union.

MW-1 stated that he was in this concern from 1973. He knew the complaints and grievance if any made to the management. All such papers were dealt by him. He resided in the factory premises. There was no union of workmen of the factory in 1977. He never saw any meeting of the workmen held near the factory. He did not receive any demand notice on behalf of the workmen through the union to the management. No person named Shri Mohan Lal was working in the factory, nor there was any trade union leader named Shri Mohan Lal. They never received any letter from the workmen authorising Shri Panna Lal and other signatories of the claim statement for negotiating the demands. In cross examination he stated that there were about 300-350 workmen in the factory in 1977. He denied the suggestion that the workmen of the factory were members of CITU union then. He did not know if there was any union at present. He admitted that Shri Harinder Singh, Ram Piara Tripathi and Panna Lal were workmen of the factory during 1977. WW-1 and WW-2 were working in the factory. He could not tell if Exhibit W-1 has received in the factory in 1977 or that a representative of the company attended the conciliation proceedings at that time.

The representative for the workman argued that Exhibit W-3 was signed by 158 workmen and the demands were discussed in a meeting as stated by WW-1 and WW-2. On the other hand the representative for the management argued that the workmen had not proved the espousal of the demands by any document. He cited 1968 ILLJ page 834 (S.C.) in which it is held as under :-

"A demand by the workmen must be made on the management and rejected by them before an industrial dispute can be said to arise and exist and that the making of such a demand to the Conciliation Officer and its communication by him in the management who rejects the same is not sufficient to constitute an Industrial Dispute".

He also cited 1965 I.L.J page 95 which states as under :-

"The fact that a substantial number of workmen from the establishment in which the concerned workman was employed were also members of the union would not by itself be sufficient to convert an individual dispute into an Industrial dispute. It must further be shown that they participated in or acted together and arrived at an understanding by a resolution or by other means and collectively supported on the date of reference the demand or the cause of individual worker".

He further cited AIR 1960 Punjab 417 in which it is held :-

"Possession of best evidence which would throw light on the issue in controversy. Withholding it, Court ought to draw an adverse inference against him".

I have gone through the pleadings and documents and find that the demand notice Exhibit W-1 signed by Shri Mohan Lal General Secretary of Suti Mill Mazdoor Union, whereas Exhibit W-3 is letter authority authorising the President, General Secretary, Vice President and Legal Secretary to represent them before the Industrial Tribunal Haryana. It is into evidence that another letter of authority was presented before the Conciliation Officer. The burden of proving a fact rests on the party who substantially asserts affirmative of the issue and not upon the party who denies it for a negative is usually incapable of proof. The workmen have failed to prove that the dispute in question was sufficiently and properly sponsored or espoused by their union or a substantial number of workmen. They did not produce a copy of resolution or proof of a meeting of substantial number of workmen adopting espousal of the case before raising the present demands. Demand notice is from the General Secretary of Suti Mill Mazdoor Union, whereas there is no evidence to show that there was Suti Mill Mazdoor union of these workmen at the time of giving the demand notice. The workmen should have in their possession proceeding book or other document forming resolution referred into evidence passed by them before giving of demand notice. But no such document was produced into evidence to prove meeting of workmen.

In these circumstances, I hold that the workmen have failed to prove epousal of their demands by a substantial number of workmen thereby not making the reference as an industrial dispute. I decide this issue against the workmen.

Issues No 2 and 3 As issue No. 1 has been decided against the workmen hence these issues needs no decision.

The case of the workmen fails on issue No. 1, therefore the workmen are not entitled to any relief in this reference. I answer the reference in these terms.

The 27th February 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana Faridabad

No. 214, dated the 27th February, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

The 5th June, 1981

No. 9(1)-81-8Lab/6137.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Haryana Central Co operative Bank Ltd., Rewari.—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 343 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S THE BRAYNE CENTRAL CO-OPERATIVE BANK LTD., REWARI

Present:—

Shri S. S. Coswami, for the workmen.

Shri N. S. Rao, for the management.

AWARD

By order No. G.O. 2-79/17453, dated 6th November, 1979, the Governor of Haryana, referred the following dispute between the management of M/s The Brayne Central Co-operative Bank Ltd., Rewari and its workman, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 :—

To what quantum of bonus the workmen are entitled to for the year 1977-78 under the Payment of Bonus Act, 1955?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 1st September, 1980.—

1. Whether the W. S. is duly signed by a proper and duly competent person?
2. To what quantum of bonus the workmen are entitled to for the year 1977-78 under the payment of Bonus Act, 1955? .

And the case was fixed for the evidence of the workmen who examined Shri Piare Lal Establishment Officer as WW- and closed their case. Then the case was fixed for the evidence of the management, who examined Shri Niamat Rai, Assistant, office of the Registrar Co-operative Society Haryana Chandigarh as MW- and closed their case. Then the case was fixed for arguments, Arguments were heard. I now give my finding issueswise:—

Issue No. 1.—

The management did not adduce any evidence on this issue, therefore, this issue is decided against the management

Issue No. 2.—

The learned representative for the workmen argued that the Board of Directors after considering the balance sheet and profit and loss account had resolved 20% bonus. He further argued that the management had shown heavy amount as bad and doubtful debt which was only to deflate its profit. On the other hand the learned representative for the bank argued that the Registrar Co-operative Society after applying his mind had disallowed payment of bonus as sanctioned by the Board of Directors. The calculation of bonus by the Registrar Co-operative Society was correct.

I have gone through the evidence led by the parties. Ex. W-1 is the copy of resolution No. 10 passed by the Board of Administrators in its meeting held on 16th August, 1978 in which the proceeding is as under :—

(10) To consider to sanction bonus for the year 1977-78 to the employees of the Bank at the rate of 20% under Bonus Act, 1965.

(10) Sanctioned bonus for the year 1977-78 to employees at the rate of 20%.

Ex. W-2 was the copy of balance sheet containing profit and loss account. In cross examination the witness stated that the balance sheet was prepared according to the instructions from the Reserve Bank of India. Bonus was allowed by the Registrar Co-operative Society @ 14.76%. Ex. M-1 and M-2 were copies of letter received from the Registrar Co-operative Society on bonus issue.

On behalf of the management MW-1 stated that bonus was paid with permission to the Registrar Co-operative Society. After making deductions under the Bonus Act it was calculated at 14.76%. In cross examination he could not give the detail of Rs 27,0.3 shown as depreciation. He produced copy Ex. M-3 calculations made for bonus. The gross profit is calculated as Rs 6,86,119.00 and net amount available as surplus for payment of bonus is shown as Rs 1,14,093.00 by the Registrar Co-operative Society, Haryana but it is surprising to note that bad and doubtful recovery of short term loan is shown as Rs 30,867.57, bad and doubtful recovery of medium term loan is shown as Rs 2,08,199.79 and bad and doubtful recovery of interest is shown as Rs 1,36,087.40. This amount comes to Rs 11,75,155.06. The loan is always allowed by the management and it is a great hardship to the workmen in case such a heavy amount is written off from the earnings of the bank. I think that the management considering all the facts before it had resolved to allow 20% bonus to its employees. I, therefore, hold that they are entitled to 20% bonus as passed by the management.

While answering the reference, I give my award that the workmen are entitled to the grant of bonus @ 20%, therefore, I direct the management to pay bonus @ 20% to their employees. I order accordingly.

Dated 10th May, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 487, dated 22nd May, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-81-8Lab/6341.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s General Manager, Milk Plant, Jind.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 23 of 1980

between

SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF M/S GENERAL MANAGER, MILK PLANT, JIND.

Present.—

Shri S. N. Vats, for the workman.

No one for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/KNL/69-79/7937, dated 13th February, 1980, under section 10 (i) (c) of the I. D. Act, 1947, for adjudication of the dispute existing between Shri Dharam Pal workman and the management of M/s General Manager, Milk Plant, Jind. The term of reference was :—

Whether the termination of services of Shri Dharam Pal was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings and the only issue arising out of their pleadings, as 'per the term of reference' was framed.

The evidence of the management was recorded on 10th October, 1980. On 8th December, 1980 the management was proceeded against *ex parte* when no one appeared on behalf of the management. *Ex parte* statement of the workman was recorded on 10th February, 1981.

The management has not been able to substantiate their evidence with the documents which were in their possession and the bald statement of the management witness cannot be relied upon that the workman never worked for 240 days continuously in one year. In his cross-examination the witness has given out that the workman has worked from 19th October, 1976 to 28th August, 1978.

The workman has deposed that he worked from 18th October, 1976 to 26th August 1978. He was not given any notice or notice pay in lieu thereof. He was also not paid any retrenchment compensation. Juniors are still working. The workman has not said anything about his employment with the management w. e. f. 18th July, 1980. This fact is taken to be admitted by him.

Under these circumstances I hold that the termination of the workman is neither justified and nor in order. The workman has already been reinstated on 18th July, 1980. He is further entitled to continuity of service and wages from the date of termination to 18th July, 1980 the date of reinstatement. The reference is answered and returned accordingly.

Dated the 25th May, 1981.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endst. No. 1758, dated the 28th May, 1981

Forwaded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak

No. 9(1)81-& Lab/6342.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Subhash Dal Chhaina Plant Manufacturer, Branch Subhash Engineering Works, Jhajjar Road, Rohtak :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER LABOUR COURT
HARYANA, ROHTAK

Reference No. 149 of 1978

between

SHRI SITA RAM, WORKMAN AND THE MANAGEMENT OF M/S SUBHASH DAL CHHALNA
PLANT MANUFACTURER, BRANCH SUBHASH ENGINEERING, WORKS, JHAJJAR
ROAD, ROHTAK.

Present :

Shri S. M. Vats, for the Workman.

Shri M. M. Kaushal, for the Management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/RTK-369-77/31621, dated 11th July, 1978, under section 10(1)(c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Sita Ram and the management of M/s Subash Dal Chalna Plant Manufacturers, Branch Subash Engineering Works, Rohtak. The term of the reference was :—

Whether the termination of services of Shri Sita Ram was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings, on the basis of which issues were framed on 4th September, 1979. After several adjournments for the production of the workman evidence the parties have arrived at an amicable settlement between themselves on 5th May, 1981 and the statements of their authorised representative were recorded as under :—

Statement of Shri M. M. Kaushal, representative of the management :—

The management has paid Rs. 1,900/- in terms of the settlement Ex. M-1 to the workman in full and final settlement of his dispute under reference as well as in application No. 221 of 1979. Ex. M-1 bears the signature of Shri Bholla Nath as well as the workman and Shri Gurdial Singh who appeared for the workman today.

Statement of Shri Gurdial Singh, Labour Leader Rohtak for the workman:—

The workman has received a sum of Rs. 1,900/- in terms of settlement Ex. M-1 which bears my signature at point 'A'. The workman has signed at point 'B' in my presence and Shri Bholla Nath at point 'C'. No dispute award may be given."

In view of their statement no further adjudication is required as the parties have settled the dispute referred to this court amicably. The reference is answered and returned in these terms.

Dated the 25th May, 1981.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1757, dated the 28th May, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 9(181-8 Lab 6343).—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Supreme Steel Rolling Mills, Bahadurgarh (Rohtak) :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 116 of 1979

between

SHRI MUNNI LAL, WORKMAN AND THE MANAGEMENT OF M/S
SUPREME STEEL ROLLING MILLS, BAHADURGARH, DISTT. ROHTAK

Present :—

No one for the workman.

Shri M. M. Kaushal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/RTK/62-79/22253, dated 22nd May, 1979, under section 10(i)(c) of the I.D. Act for adjudication of the dispute existing between Shri Munni Lal, workman and the management of M/s Supreme Steel Rolling Mills, Bahadurgarh. The term of the reference was :—

Whether the termination of services of Shri Munni Lal was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the notices, the managements filed their written statement. The workman did not file his rejoinder and obtained several adjournments for the same. No one appeared on behalf of the workman on 13th March, 1980. The workman was then proceeded against *ex parte*. The *ex parte* statement of Shri Harbans Lal, Manager was recorded on 8th January, 1981. He deposed that the workman absented himself after 9th November, 1978 and he did not come to resume his duties after 9th November, 1978. He was marked absent during the month of December, 1978 and his name was not carried on in the month of January, 1979 in the attendance register.

I am left with no choice but to believe the *ex parte* un rebutted statement of the management witness. Relying on his statement I hold that the workman abandoned his services by absenting himself. The management never terminated his service. The workman is not entitled to any relief. The reference is answered and returned in these terms.

BANWARI LAL DALAL,

Dated the 25th May, 1981.

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1750, dated the 25th May, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 9(1)-81-8Lab/6344.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workmen and the management of M/s Supreme Steel Rolling Mills, Bahadurgarh District Rohtak :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 111 of 79

between

SHRI LOK NATH, WORKMAN AND THE MANAGEMENT OF M/S SUPREME STEEL ROLLING MILLS, BAHADURGARH, DISTT. ROHTAK

Present:

No one for the workman.

Shri M.M Kaushal for the management

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/RTK/63-72/21864, dated the 18th May, 1979 under section 10(i)(c) of the I.D. Act for adjudication of the dispute existing between Shri Lok Nath, workman and the management of M/s Supreme Steel Rolling Mills, Bahadurgarh. The term of the reference was:

Whether the termination of services of Shri Lok Nath was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties in their appearance in response to the notice. The management filed their written statement. The workman did not file the rejoinder and obtained five-six adjournments. The workman absented himself on 29th April, 1980 and did not turn up despite service of notice on 12th June, 1980. The workman was proceeded against *ex parte*. The *ex parte* evidence of the management was recorded. Shri Harbans Lal, Manager made his *ex parte* statement on oath. He deposed that the workman resigned *vid. Ex. M-1* which was duly accepted and the acceptance was conveyed. The workman thumb marked in token of the same at point 'B' on Ex. M-1. He further stated that the workman never came to the company after submitting Ex. M-1.

I am left with no choice except to believe the unchartered *ex parte* statement of the management witness. Relying on his statement I hold that the termination of the workman never took place and the workman resigned on his own accord. The workman is therefore not entitled to any relief. The reference is answered and returned in these terms.

Dated the 25th May, 1981.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1755, dated the 24th May, 1981

Forwarded (four copies) to the Secretary the Government of Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

H. L. GUGNANI,
Commissioner and Secretary to Government Haryana,
Labour and Employment Departments.

The 17th July, 1981

No. 9(1-81-8Lab/7999).—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s resident, Notified Area Committee, Gharaunda.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 69 of 1979

between

SHRI JAI BHAGWAN, WORKMAN AND THE MANAGEMENT OF M/S PRESIDENT, NOTIFIED AREA COMMITTEE, GHARAUNDA

Present.—

Shri Karan Singh, for the workman.

Shri Surinder Kaishal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,— *vide* his order No. ID/ KNI/12544, dated 17th March, 1979, under section 10(1)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between Shri Jai Bhagwan, workman and the management of M/s President, Notified Area Committee, Gharaunda. The term of reference was:—

Whether the termination of services of Shri Jai Bhagwan was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference, notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings, on the basis of which the following issues were framed:—

1. As per reference?
2. Whether the workman gainfully employed. If so, since when and at what rate and to what effect?

The workman made a statement on 25th May, 1980 that he was employed with M/s Haryana State Electricity Board and was getting Rs 310 per month as his salary and as the respondent management had terminated his services illegally, he is entitled to his wages from the date of termination to 30th September, 1978 which may be granted to him. The management examined Shri William Azad, Assistant Engineer respondent as their witness and closed their case. I heard the learned representatives of the parties and decide issues as under:—

Issue No. 2,—

As per the statement of the workman the workman has been gainfully employed since 1st October, 1978 with Haryana State Electricity Board. This issue is accordingly decided in favour of the management.

Issue No. 1.—

The management witness has deposed that the workman was engaged as Malli on 2nd July, 1975 on temporary basis and his services were terminated as the job of Malli was no longer required

on 14th February, 1978. He was issued one month notice prior to his termination in accordance with the terms of appointment. In his cross examination the witness has admitted that no retrenchment compensation was paid to the workman. The workman has placed on file Ex. W-3 which is a letter from the respondent asking the workman to vacate the quarter allotted to him and Ex. W-1 which is a complaint made by the workman against Shri William who appeared as MW-1 which has been received in the office of the respondent by Shri Rajpat Rai who has signed in token of receipt of the same. The documents support the contention of the workman that he refused to work at the residence of Shri William and for this very reason his services were terminated. From these pieces of evidence it is proved that the workman put in about two and a half years service without break and as no retrenchment compensation was paid to him which is a mandatory requirement under section 25(F) of the Industrial Disputes Act and the phrase "services no longer required" amounts to termination further amounting to retrenchment and when condition laid down in sections 25(F) are not complied with the order of termination becomes void *ab initio* consequently under the normal rule the workman was entitled to reinstatement with continuity of service and with full back wages. As the workman has been employed with Haryana State Electricity Board with effect from 1st October, 1978 and he is not interested in his reinstatement but he is surely entitled to relief of wages from 14th February, 1978 to 30th September, 1978. The reference is answered and returned in these terms.

Dated the 29th June, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 2101, dated 3rd July, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 7th July, 1981

No. 9(1)-81-8 Lab/7406.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s East India Cotton Manufacturing Co. Ltd., Faridabad :—

BEFORE SHRI M. C BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 112 of 1981

between

SHRI BANSI LAL, WORKMAN AND THE MANAGEMENT OF M.S. EAST INDIA COTTON
MANUFACTURING CO. LTD., FARIDABAD

Present.—

None, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/26-81/21082, dated 21st April, 1981, the Governor of Haryana, referred the following dispute between the management of M/s East India Cotton Manufacturing Co. Ltd., Faridabad and its workman Shri Bansi Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 11 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bansi Lal was justified and in order? if not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The workman did not file claim statement. On the last date of hearing the workman did not appear, nor his representative and the case was dismissed for non-prosecution by the workman, I, therefore, dismiss the case for non-prosecution by the workman

Dated 19th June, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 64, dated 23rd June, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-81-8Lab/7468.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Aval Scales Industries Pvt. Ltd., Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 82 of 1979

between

SHRI KAPIL DEV SINGH, WORKMAN AND THE MANAGEMENT OF M/S. AVAL SCALES
INDUSTRIES PVT. LTD. MATHURA ROAD, FARIDABAD

Present.—

None, for the workman.

Shri H. S. Sidana, for the management

AWARD

By order No. 1115/730/00 dated 1st March 1979, the Governor of Haryana referred the following dispute between the management of M/s. Aval Scales Industries Pvt. Ltd., Mathura Road, Faridabad and its workman Shri Kapil Dev Singh to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Kapil Dev Singh was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed and the case was fixed for the evidence of the management. On the last date of hearing the representative for the management filed a settlement Ex M-1 and stated that the workman has received a sum Rs. 600 in full and final settlement and produced copy of Ex. Ex. M-2. I, therefore, give my award that the dispute has been settled between the parties and there is no dispute now pending for adjudication.

Dated the 26th June, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 645, dated the 27th June, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.